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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,779	03/18/2004	Goran Martensson	TPP 31385DIV	4676

7590 08/13/2004

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EXAMINER

SLACK, NAKO N

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 08/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/802,779

Applicant(s)

MARTENSSON, GORAN

Examiner

Naoko Slack

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 5-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6 is/are allowed.
- 6) ☒ Claim(s) 5 and 7-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/18/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Amendment

In view of Applicant's Preliminary Amendment, claims 1-4 have been cancelled and new claims 5-11 have been entered and examined.

Specification

The disclosure is objected to because of the following informalities: the section entitled "Cross-Reference to Related Applications" should include the fact that applicant's prior US application, serial number 09/806994 has become US Patent 6,763,643.

Appropriate correction is required.

Claim Rejections – 35 USC 103

The following is a quotation of 35 USC 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5, 7-10 are rejected under 35 USC 103(a) as being unpatentable over US Patent 3,731,445 to Hoffmann et al. in view of US Patent 3,676,971 to Dombroski.

Claim 5:

Hoffman et al. discloses a flooring system comprising board shaped floor elements having a mainly square or rectangular shape (column 1, line 65) and separate joining profiles (1, Figure 3). The flooring elements are provided with grooves formed on the lower surface and a portion between the side edge and the groove which is thinned down leaving a recess or space above the lowest surface of the flooring element. As shown in Figure 3, the ends of flooring elements 2 and 3 each have a groove and an adjacent recess for receiving a lip and middle section, respectively, of the joining profile.

While Hoffman et al. does not disclose a joining profile with the shape of a T with three cheeks, a joining profile with such a configuration is shown by Dombroski (11, Figure 1). Dombroski uses '+' shaped joining elements (10, Figure 1) such that T-shaped joining elements are required at the periphery of the floor assembly to provide underlying support for the floor boards (15) and structural continuity of the lips (16 and 17) between the '+' shaped and T-shaped joining elements.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to use a joining profile with a T-shape on Hoffman et al's flooring assembly, as Hoffman et al's '+' shaped joining elements (Figure 8) would require T-shaped joining elements along the edges of the floor to support the other half of the floor elements adjacent the floor periphery which are not supported by the '+' shaped joining element.

Claim 7:

Each groove is formed at a distance from the closest side edge which is less than $\frac{1}{4}$ of the width of the respective floor element (as best shown in Figure 10).

Claim 8:

The side edges are provided with matching profiles (planar profiles, Figures 2 and 3).

Claim 9:

In an alternate embodiment, the side edges are provided with notch-like grooves (located just under the side edges of flooring elements 2 and 3, Figure 2) which receive matching second profiles (the outer lobes of the central connector 1, Figure 2).

Claim 10:

The second joining profiles are integral with the joining profiles (central connector is integral with the joining element 1, Figure 2).

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over US Patent 3,731,445 to Hoffmann et al. and US Patent 3,676,971 to Dombroski as applied to claim 9 above and further in view of US Patent 4,169,688 to Toshio

Claim 11:

While Hoffman et al. fails to disclose that second joining elements are separate parts, Toshi discloses a flooring system comprising rectangular floor boards (2) with first joining profiles (10, Figure 7). The underside of the floor boards are formed with grooves along all edges (column 3, lines 12-19) and opposing grooves (3) along adjacent side edges which receive second joining profiles (4) to prevent vertical displacement.

In view of Toshio, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use secondary profiles that are separate from the first joining profiles on Hoffman et al.'s flooring assembly, as Hoffman et al. is concerned with preventing individual floor elements from shifting (column 1, lines 4-9).

Allowable Subject Matter

Claim 6 is allowed.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

While it is well known in the flooring art to provide square or rectangular board shaped elements with grooves on the underside to engage lips of a joining profile, the lips arranged in pairs and joined by a middle section, prior art fails to further disclose a joining profile wherein the joining profile has a "+" shape with four cheeks, three of the cheeks provided with lips arranged in pairs joined by a middle section, and the fourth cheek provided with only one lip and a middle section.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reason for Allowance."

Prior Art Made of Record

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: US Patent 3,174,411 to Oestrich et al. discloses a flooring assembly comprising grooved floor boards and '+' shaped joining elements.

Art Unit: 3635

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naoko Slack whose telephone number is (703) 305-0315. The examiner can normally be reached on Mon-Fri (6:00 am-2:30pm EST). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Carl D. Friedman can be reached at (703) 308-0839. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

NS
July 23, 2004

A handwritten signature in black ink, appearing to read 'Naoko Slack', with a stylized, cursive script.

Naoko Slack
Primary Examiner